

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ALAN SIMMONS,	:	
Plaintiff,	:	
v.	:	Case No. 3:09-cv-36-KRG-KAP
JOHN YOST, WARDEN, F.C.I.	:	
LORETTO, <u>et al.</u> ,	:	
Defendants	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on October 19, 2009, docket no. 22, recommending that the defendants' motion to dismiss or for summary judgment, docket no. 20, be granted.

The parties were notified that, pursuant to 28 U.S.C. § 636(b)(1), they had ten days to file written objections to the Report and Recommendation. After an extension of time plaintiff filed objections which I have reviewed but reject. The Magistrate Judge previously had filed an Report and Recommendation recommending dismissal of a proposed additional defendant, docket no. 15, and plaintiff did not file objections to that recommendation.

After de novo review of the record of this matter, the Reports and Recommendations, and the objections filed at docket no. 25, the following order is entered:

AND NOW, this 17<sup>th</sup> day of November, 2009, it is

ORDERED that the defendants' motion to dismiss or for summary judgment, docket no. 20, is granted. The Report and Recommendation at docket no. 22 and the Report and Recommendation at docket no. 15 are adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", written over a horizontal line.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

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